

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 4:18-cr-00011-04, -08
	)	
DESHAUN LAMAR TRENT (Def. 04)	)	
	)	
and	)	
	)	
ASHLEY TIANA ROSS (Def. 08)	)	

**UNITED STATES' OPPOSITION TO MOTION TO EXTEND TIME FOR  
RESPONSIVE PLEADING**

The United States respectfully opposes defendants Deshaun Lamar Trent (“Trent”) and Ashley Tiana Ross’s (“Ross”) respective motions to extend the time for responsive pleadings (Deshaun Lamar Trent’s Motion to Extend Time for Responsive Pleading - ECF No. 392 and Ashley Tiana Ross’s Motion to Enlarge Time – ECF No. 393). Trent filed his motion seeking an extension of five days in which to respond to three motions timely filed by the United States: a Motion Regarding Jury Composition – ECF 383; a Motion to Dispose of the Use of a Jury Questionnaire or, in the Alternative, to Employ the Use of a Limited Jury Questionnaire – ECF No. 384; and a Motion for an Anonymous Jury – ECF No. 385. ECF No. 392. Counsel for Ashley Ross has joined in Trent’s motion for an enlargement of time. ECF No. 393.

In light of the scheduling order already in place in this matter and the prejudice caused by the requested extension, the United States is opposed to any enlargement of time and moves this Court to deny the motions. As grounds for this opposition, the United States asserts the following:

1. On March 5, 2019, Chief Judge Michael F. Urbanski entered a Third Amended Scheduling Order setting forth various hearing dates and deadlines. ECF No. 364. Paragraph 7b. of the Order sets Friday, April 19, 2019 at 10:00 a.m. as the date the Court will conduct a Pretrial Hearing (“Pretrial Hearing”) addressing motions to sever, composition of the jury, a proposed jury questionnaire, and other pretrial matters noticed by the parties.<sup>1</sup> *Id.*, at par. 7 and 7b.

2. Equally significant, the Court set deadlines for motions scheduled to be heard and argued at the Pretrial Hearing:

(a) All pretrial motions shall be filed by the parties no later than twenty-one (21) days before the date set for the hearing, pursuant to Fed. R. Crim. P. 12(c)(1). A motion must state the grounds on which it is based and the relief sought. Motions raising questions of law must be supported by legal memoranda filed contemporaneously therewith. *Id.*, at par. 8.

(b) A party opposing a pretrial motion shall file its response and legal memorandum no later than fourteen (14) days after the **corresponding deadline** (emphasis in original) for filing of the motion. *Id.*, at par. 9.

This means that initial deadline for jury-related and severance motions was Friday, March 29, 2019, and the response deadline to those motions is this Friday, April 12. *See id.*

3. In compliance with the Court’s Order, the United States filed three motions on March 29, 2019, twenty-one days prior to the Pretrial Hearing. These motions included (a) a Motion Regarding Jury Composition – ECF 383; (b) a Motion to Dispose of the Use of a Jury Questionnaire or, in the Alternative, to Employ the Use of a Limited Jury Questionnaire – ECF No. 384; and (c) Motion for an Anonymous Jury – ECF No. 385).

---

<sup>1</sup> Notably, the Court first entered a Scheduling Order setting hearings dates and corresponding filing deadlines on December 4, 2018, and thus the defendants have had five months-notice of the upcoming response deadline. Scheduling Order, ECF No. 269.

4. Like the United States, two defendants have also filed timely motions in advance of the Pretrial Hearing. Three other defendants, including Ross, filed motions after the filing deadline, and one defendant filed a complex motion one-week after the filing deadline for the Pretrial Hearing. Due to the nature of the United States' motions, the government anticipates responses from all of the remaining eleven defendants.<sup>2</sup>

5. Though counsel for Deshaun Trent and Ross have referred to their request for an additional five days to respond to the governments motions as a "slight" extension, their request would result in an extension to midnight on April 17, 2019. This extension would prejudice the United States by leaving virtually no time to review and research any issues raised in their pleadings in advance of the Pretrial Hearing on the morning of April 19. This prejudice to the United States is further amplified by the fact that the undersigned are now also drafting and responding to (timely and untimely) motions filed by Ross and other defendants. In addition, the United States will be reviewing, analyzing, and potentially replying to multiple oppositions and responses from eleven defendants to three separate government motions.

Because this Court has already issued a Scheduling Order in which the United States and others have complied and because the request of a five-day extension would result in the United States receiving counsel's filings within only a day of the April 19, 2019 Pretrial Hearing, the United States respectfully moves this Court to deny these motions.

Respectfully submitted,

THOMAS T. CULLEN  
United States Attorney

---

<sup>2</sup> Motions deadlines in this and the related gang case are on the same dates. *See* Third Amended Scheduling Order, *United States v. Anthony et al*, 4:18-cr-12, ECF No. 237.

s/Ronald M. Huber  
Ronald M. Huber  
Heather L. Carlton  
Assistant United States Attorneys

Michael J. Newman  
Special Assistant United States Attorney  
United States Attorney's Office  
255 West Main Street, Room 130  
Charlottesville, VA 22902  
Tel: 434.293.4283  
[Ron.huber@usdoj.gov](mailto:Ron.huber@usdoj.gov)  
[Heather.carlton@usdoj.gov](mailto:Heather.carlton@usdoj.gov)  
[newmamj@danvilleva.gov](mailto:newmamj@danvilleva.gov)

DATED: April 9, 2019

**CERTIFICATE**

I hereby certify that a true and correct copy of the foregoing has been electronically filed with the Clerk by CM/ECF system, which will send notification of such filing to all counsel of record, on this 9th day of April 2019.

s/Ronald M. Huber  
Assistant United States Attorney